



Haryana Government Gazette

Published by Authority

© Government of Haryana

No. 28-2022] CHANDIGARH, TUESDAY, JULY 12, 2022 (ASADHA 21, 1944 SAKA)

PART-I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

IRRIGATION AND WATER RESOURCES DEPARTMENT

Order

The 13th January, 2022

No. 590008/69/2021-IIW.— The Governor of Haryana is pleased to constitute Adi Badri Dam Construction Monitoring Committee (ABDCMC) to supervise, monitor and control the construction of Adi Badri Dam and its appurtenant works to be constructed in territory of Himachal Pradesh on river Somb, Distt. Sirmour. This committee shall have no role in regulation of Adi Badri Dam for which a separate committee will be constituted after completion of the works.

Name: The name of the committee shall be Adi Badri Dam Construction Monitoring Committee (ABDCMC).

Composition:

Members for Adi Badri Dam Construction Monitoring Committee.			
Sr. No.	Ex-officio		Address
1.	Additional Chief Secretary to Government, Haryana, Irrigation and Water Resources Department.	Chairman	Haryana Civil Secretariat, Sector-1, Chandigarh.
2.	Secretary to Government, Himachal Pradesh, Jal Shakti Vibhag.	Member	Jal Shakti Bhawan, Shimla.
3.	Engineer-in-Chief, Irrigation and Water Resources Department, Haryana.	Member	Sinchai Bhawan, Sector-5, Panchkula.
4.	Engineer-in-Chief, Jal Shakti Vibhag, Himachal Pradesh.	Member	Jal Shakti Bhawan, Shimla.
5.	Chief Engineer/Construction and Project, Irrigation and Water Resources Department Haryana.	Member Secretary	Sinchai Bhawan, Sector-5, Panchkula.
6.	Representative of Himachal Pradesh Power Corporation Limited.		
7.	Any other member with the permission of Chair		

Role, Responsibilities and Powers:-

Role: To supervise, monitor and control the construction, planning and execution of Adi Badri Dam and its appurtenant works in territory of Himachal Pradesh on river Somb, District Sirmour.

Responsibilities:

- Plan for construction of Adi Badri Dam and its appurtenant works.
- To pursue all statutory clearances from Central & State Govt.'s
- To get finalized the designs and drawings of Adi Badri Dam and its appurtenant works from Central Water Commission, New Delhi.
- To resolve any kind of dispute or difference of opinion during construction of dam.
- Coordination and Liasoning with expert agencies for technical investigations and expert advice.
- Co-ordination with Himachal Pradesh Power Corporation Limited.

Powers:

- To approve the standard bid document/standard bidding procedures.
- To finalize the technical bids and financial bids.
- To approve the construction schedule for the works.
- To supervise and control the quality of works.
- To approve the procurements of material and machineries, tools & plants as per requirement of the project.
- To advise and control the release of funds for all construction activities of Adi Badri Dam and its appurtenant works.
- To take decision on all other matters where financial implication are involved.

Payment Schedule:

- 20% Advance (Project cost for construction of Adi Badri Dam and its appurtenant works as per DPR) shall be released on signing of Contract agreement.
- Executive agency of Himachal Pradesh. Government shall provide requirement of funds required to the Adi Badri Dam Construction Monitoring Committee during each quarter of the financial year based upon the estimated progress of the work at site.
- The Adi Badri Dam Construction Monitoring Committee shall assess the demand and order for release of funds. The funds so approved shall be released twenty one days before the end of that quarter.
- Advance already made shall be adjusted in each quarter proportionally.

Meetings:

The Committee shall meet every three months or any time as Chairman decides. The decision shall be taken by the consensus of the members.

Headquarter:

The Headquarter of Adi Badri Dam Construction Monitoring Committee shall be the office of the Additional Chief Secretary to Government of Haryana, Irrigation and Water Resources Department, Chandigarh.

Expenses:

The meeting expenses shall be borne by the Irrigation and Water Resources Department, Haryana.

The committee can be ceased to exist by mutual understanding of both the States.

Chandigarh:
The 13th January, 2022.

DEVENDER SINGH,
Additional Chief Secretary to Government of Haryana,
Irrigation and Water Resources Department.

Annexure II

HARYANA GOVERNMENT
IRRIGATION and WATER RESOURCES DEPARTMENT
ORDER

The January 13, 2022

- Preamble:** Government of Haryana has proposed for construction of Adi Badri Dam in the territory of Himachal Pradesh on river Somb River in district Sirmour. The water stored in the Adi Badri Dam shall be primarily used for revival of Sarasvati River and development of its heritage in the state of Haryana. The executing agency for this dam shall be Himachal Pradesh Power Corporation Limited. Construction works of dam shall be supervised, monitored and controlled by Adi Badri Dam Construction Monitoring Committee and after completion of construction work, it is shall be handed over to HIWRD for regulation, Operation and Maintenance under the supervision & control of a committee. Therefore, both the Governments have decided to constitute a committee for looking into the issues relating to regulation, operation and maintenance of Adi Badri Dam on Somb Nadi, district Sirmour.
- No.** The Governor of Haryana is pleased to constitute Adi Badri Dam Regulation Committee to advise upon the matters pertaining to the regulation, operation and maintenance of Adi Badri Dam on Somb Nadi, District. Sirmour, Himachal Pradesh.
- Name:** The name of the committee shall be Adi Badri Dam Regulation Committee.

Composition: -

Members for Adi Badri Dam Regulation Committee.			
Serial Number	Ex-officio		Address
1	Engineer-in-Chief, Haryana Irrigation & Water Resources Department	Chairman	Sinchai Bhawan, Sector-5, Panchkula.
2	Engineer-in-Chief, Jal Shakti Vibhag Himachal Pradesh or his representative not below the rank of Chief Engineer.	Member	Jal Shakti Vibhag, Shimla, Himachal Pradesh.
3	Chief Engineer, Jal Shakti Vibhag, Government of Himachal Pradesh	Member	Jal Shakti Vibhag, Shimla, Himachal Pradesh.
4	Chief Engineer, Haryana Irrigation and Water Resources Department	Member	Sinchai Bhawan, Sector-5, Panchkula.
5	Deputy Commissioner, Sirmour or his representative not below the rank of ADC.	Member	DC office Sirmour, H.P.
6	Representative of Haryana Sarasvati Heritage Development Board, Panchkula.	Member	HSHDB, Sector-14 Panchkula.
7	Superintending Engineer, Jal Shakti Vibhag Circle Nahan.	Member	O/o, Superintending Engineer, (JSV) Circle Nahan H.P.
8	Superintending Engineer, Sarasvati Heritage Circle (SHC), Kurukshetra	Member Secretary	Sarasvati Heritage Circle (SHC), Kurukshetra.
9	Any other member with the permission of Chair.		

Role& Responsibilities:	<p>To oversee the implementation, operation and maintenance, regulation, dispute redressal etc. relating to the proposed Adi Badri Dam on River Somb. Although the executing agency for the construction of Adi Badri Dam shall be Himachal Pradesh Power Corporation Limited.</p> <p>To oversee regulation of water from the Adi Badri Dam in conjunction to the objective of Sarasvati rejuvenation project i.e revival of Sarasvati River whereas its operation shall remain with Haryana Irrigation and Water Resources Department because the discharge released from the Dam is to be further managed by Haryana Irrigation and Water Resources Department at downstream locations.</p> <p>To oversee and ensure the release of water from Adi Badri Dam reservoir in such a manner that Himachal Pradesh gets its earmarked share of 61.88 Ha-m of water per annum as per demand throughout the year regardless of filling or depleting period.</p> <p>To resolve any kind of dispute or substantial difference of opinion arises regarding the project or interpretation and implementation of Memorandum of Understanding signed between the two States.</p>
Powers:	<p>To get the implementation of the decisions taken by Adi Badri Dam Regulation Committee through both the parties.</p>
Meetings:	<p>It shall meet every six months or at any time as Chairman decides. The decision shall be taken by the consensus of the members.</p>
Headquarter:	<p>The Headquarter of Adi Badri Dam Regulation Committee shall be Sinchai Bhawan, Sector-5, Panchkula.</p>
Expenses:	<p>The meeting expenses shall be borne by Irrigation and Water Resources Department, Haryana, Panchkula.</p> <p>Advisory committee can be ceased by mutual understanding of both the states at any point of time.</p>

Chandigarh:
The 13th January, 2022.

DEVENDER SINGH,
Additional Chief Secretary to Government of Haryana,
Irrigation and Water Resources Department.

MoU between Government of Haryana and Government of Himachal Pradesh relating to the construction of Adi Badri Dam on River Somb & its linkage with Sarasvati river.

This MoU made on this 21st day of January 2022, between the Governor of Haryana through Chief Secretary (hereinafter called the Government of Haryana, which expression unless repugnant to the context of meaning thereof, shall include its successors or permitted assigns) of the first part.

The Governor of Himachal Pradesh through Chief Secretary (hereinafter called the Government of Himachal Pradesh, which expression unless repugnant to the context of meaning thereof, shall include its successors or permitted assigns) of the second part.

Whereas an expert committee on “Palaeochannels of North-West India: Review and Assessment” constituted by Government of India has recommended that Sarasvati river basin is one of the best suited basins for ground water recharging. A reference received vide letter no. 4(156)/NWR/S and I/2016-303, dated 28.2.2017 from Central Ground Water Board (Ministry of Water Resources and Ganga Rejuvenation Government of India) advised the Government of Haryana that ***“Somb Nadi may be considered for the pilot project on Artificial Recharge to Ground Water and a proposal on Pilot study on Artificial Recharge be prepared.”***

Whereas Government of Haryana is planning for construction of three number small Dams in Adi Badri, Dhanora and Lohgarh in lower Shiwalik Hills for the purpose of rejuvenation of mighty River Sarasvati, ground water recharging, flood protection and promotion of tourism and Cultural Heritage in State of Haryana and Himachal Pradesh. The mighty River Sarasvati had flown down from glaciers of Himachal Pradesh and Uttrakhand before entering into the plains at Adi Badri in Haryana. The rejuvenation of River Sarasvati will benefit many millions of people of India in various States viz. Himachal Pradesh, Uttrakhand, Haryana, Punjab, Rajasthan and Gujarat.

Whereas Government of Haryana initiated the project and feasibility report for revival of Sarasvati Nadi by construction of Adi Badri Dam on Somb Nadi and its linkage to Sarasvati Nadi, Sarasvati Reservoir and construction of barrage on River Somb has been got prepared from Water and Power Consulting Services Ltd. (WAPCOS) Government of India;

And whereas after receipt of feasibility report from Water and Power Consulting Services Limited, the matter was taken up with Government of Himachal Pradesh regarding No Objection Certificate (NOC) for construction of Adi Badri Dam and the Government of Himachal Pradesh has issued No Objection Certificate (NOC) for the construction of Adi Badri Dam on Somb Nadi Lower Shiwalik Hills vide No. IPH-B(F) 8-4/2012, dated 24.5.2018 subject to the conditions:-

“That an MoU will be signed between the two Governments incorporating into it various issues related to infrastructure, implementation, management and other aspects. The DPR will be prepared by the Government of Haryana by 15th July, 2018, which will incorporate all the concerns related to the infrastructure development expressed by the Government of Himachal Pradesh.”

That Detailed Project Report (DPR) has already been shared with the Government of Himachal Pradesh incorporating all the concerns relating to infrastructural development/restoration of benefits.

Draft MOU was shared with Government of Himachal Pradesh and thereafter series of discussions have taken place between the officials and officers of both the States for finalization of MOU. That a meeting was held to discuss various issues of MOU on 5th July 2021 under the Chairmanship of Secretary Jal Shakti Vibhag, Himachal Pradesh.

That a meeting has also been held between Chief Secretaries of both the states alongwith officers on 05.10.2021 wherein all the relevant issues were discussed and finalized.

And whereas this project involves some territories and rights of the people of the Government of Himachal Pradesh affected on account of construction of Adi Badri Dam along with environment and forest issues to be taken up with Government of Himachal Pradesh and Government of India.

Therefore, both the parties have agreed to these terms and conditions and stipulations contained hereinafter:-

1. That Himachal Pradesh Power Corporation Limited shall be the executing agency for construction of Adi Badri Dam and its related infrastructure/appurtenant works. A Committee comprising of Additional Chief Secretary to Government of Haryana, Irrigation & Water Resources Department, Secretary to the Government of Himachal Pradesh, Jal Shakti Vibhag, Himachal Pradesh, Engineer-in-Chiefs and other representative of both the States have been constituted for planning, supervising and monitoring of Adi Badri Dam as per detail attached at **Annexure-I**.

That entire funding of the project as provided in the DPR shall be arranged by Government of Haryana as per payment schedule based on Disbursement Link Indicators (DLIs) and Haryana Government shall release funds to Himachal Pradesh Power Corporation Limited (HPPCL) accordingly.

That funds to various departments of Himachal Pradesh Government shall also be provided by Government of Haryana as earmarked in the DPR of project i.e. Rs. 34.76 crores and these funds shall be released upfront in a single installment by Government of Haryana within 60 days of signing of MOU.

2. That Haryana Irrigation and Water Recourses Department shall transfer all relevant data, reports, design and drawings etc. of Adi Badri Dam alongwith status report of various statutory clearances required for construction of Adi Badri Dam to Himachal Pradesh Power Corporation Limited.
3. That the land area falling under the project for construction of Adi Badri Dam on River Somb in Himachal Pradesh shall be 31.16 Hectare out of which 0.67 Hectare area is under private ownership and balance area 30.49 Hectare land is forest land.
4. That for the land falling under the project area in Himachal Pradesh territory, suitable compensation shall be paid as full and final payment by the Himachal Pradesh Government to the right holders of the land through negotiated settlement. A Committee under Chairmanship of Additional Deputy Commissioner Sirmour shall be constituted by the Government of Himachal Pradesh for carrying out the negotiation for this purpose. All the funds for the purpose of this negotiated/settled shall be provided by Haryana Government.
5. That Cost of rehabilitation package for oustees and environmental protection package in accordance with prevalent policies of the State of Himachal Pradesh as well as any other prevalent laws or any other unforeseen cost/expenditure in this regard related to Adi Badri Dam in future shall be considered a part of the project and shall be borne by the Government of Haryana and no liability on this account shall be passed on to Himachal Pradesh.
6. That the water stored by construction of Adi Badri Dam on River Somb shall be primarily used for revival of River Sarasvati and development of Sarasvati Heritages. However, 61.88 Ha-m water per annum out of 224 Ha-m water stored at Adi Badri Dam shall be earmarked to fulfill the drinking water requirement (3.92 Ha-m) and Irrigation water demands (57.96 Ha-m) of the project affected villages in Himachal Pradesh territory. Himachal Pradesh shall be at liberty to utilize their share as per demand throughout the year regardless of filling or depleting period.
7. That if the storage is found to increase/decrease during the detailed study of the Dam by Government of Himachal Pradesh, the share of both the States shall be increased/decreased proportionally. In case of increase in storage, Himachal Pradesh shall be at liberty to utilize its water share over and above 61.88 Ha-m for any purpose as deemed appropriate by it.
8. That an automatic data acquisition system shall be installed at Dam site by Government of Haryana for transparent accounting of water uses by two States.
9. That after completion of the dam, regulation of water from Adi Badri Dam and its operation and maintenance shall be done by Haryana Irrigation and Water Resources Department under supervision of a Committee named as Adi Badri Dam Regulation Committee. The Constitution, functions and powers of this Committee shall be as per detail attached at **Annexure-II**. All the cost of maintenance, repair and operation of Adi Badri Dam shall be borne by the Government of Haryana.
10. All the claims of the affected persons in the territory of Himachal Pradesh shall be settled and disbursed in their account by the Himachal Pradesh Government within a period of 3 months from the date of deposit of funds for the purpose by the Government of Haryana. The Utilization Certificate for the same shall be furnished by Himachal Pradesh Government to the Government of Haryana within 30 days of the expiry of limitation period i.e. 3 months.
11. That both the parties are free to prepare the Sarasvati Heritage Tourism Projects as well as any other infrastructure facilities which may be required for the welfare and development of local people from their own resources without compromising the primary objectives of the project within their respective territories.
12. That in case any dispute/substantial difference of opinion arising out of this MoU on any point whatever including interpretation and implementation; the matter shall be referred to Adi Badri Dam Regulation Committee. Still, if the dispute is not resolved by the Adi Badri Dam Regulation Committee, any party shall be at liberty to refer the matter to Institution of Arbitration duly recognized by Government of Haryana and Government of Himachal Pradesh after mutual consent of both the Governments.

13. That the Government of Haryana and Government of Himachal Pradesh shall be responsible for maintaining law and order in their respective territories during execution, operation and maintenance of the project.
14. In witness whereof Chief Secretary to Government of Haryana for and on behalf of the Governor of Haryana and Chief Secretary to Government of Himachal Pradesh for and on behalf of the Governor of Himachal Pradesh have signed these presents on the day and year as mentioned above.

Signed by (Sd.)...,

(Sd.)...,

Chief Secretary to the Government
For and on behalf of the
Governor of Haryana

Chief Secretary to the Government
for and on behalf of the
Governor of Himachal Pradesh

Witness 1: (Sd.)...,

(Sd.)...,

Address:

Witness 2: (Sd.)...,

(Sd.)...,

Address: